

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1-11 are pending. Claims 1 and 11 are independent. Claims 1-2 and 9-10 have been amended. Claim 8 has been canceled. Claim 11 has been added.

Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections under 35 U.S.C. §102/103

Claims 1-7 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,252,883 to Schweickart et al. Claims 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schweickart et al. in view of U.S. Patent No. 6,615,088 to Myer et al. Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schweickart et al. in view of Myer et al., and further in view of U.S. Patent No. 6,061,604 to Russ et al. These rejections are respectfully traversed.

Schweickart et al. show a system which can indeed remotely monitor/control the performance of a home data network (including such home appliances as a water heater, freezer, television descrambler, air conditioner, and clothes dryer; see col. 3, lines 5-7 and col. 4, lines 15-17). However, Applicant has

admitted that the remote monitoring/control of such home appliance networks is known in the art. See pages 1-3 and figure 1 of the specification.

Applicant's invention has as a goal to provide an apparatus and method which allows monitoring and control of the appliance network in a more simplified manner and at a greatly reduced cost. See page 4, lines 5 and 13 of the specification.

In the background art, described by the Applicant, the homeowner must establish a server with a home page at their residence. Under such circumstances, the cost is high because the homeowner is required to pay a web site hosting subscription fee to their Internet service provider. The homeowner's server must be constantly connected to the Internet which presents firewall issues. Further, there is some drawback associated with a variable IP address for the homeowner's web site, when ADSL communications are employed.

Schweickart et al. provide an alternative system, as compared to the system described in the Applicant's background art section of the specification. In Schweickart et al.'s system, a plurality of transceivers 30 are employed. One transceiver 30 is located on the "outside" wall of the house 11, and is connected to the home appliance network. The user-operated transceivers 30 can be handheld 21, or mounted in a vehicle 24, or software operated from a PC (at a hospital 48 or utility company 47) or over the Internet 49.

Schweickart et al. state that the transceivers 30 include special dedicated "chip sets" which formulate or encode "spread ALOHA multiple access (SAMA) signals." See col. 3, lines 13 and 19, and col. 4, line 43. In the instance of a cellular phone, the chip set for formulating the control signal is in the cellular phone and would use the phone's transmission capabilities to send the signal at a frequency residing in the cellular communication frequency range. These control signals "overlay" the cellular signaling system. In other words, the control signals reside in the frequency range of the cellular system, but "operate as an overlay, which does not interfere with existing voice or other services."

Hence, Schweickart et al.'s system is a very dedicated and specifically-tailored system. It requires transponders 30 with dedicated chip sets. Further, it requires an overlay of signal transmissions, different from the common voice and data signals present on common cellular networks. Also, it appears apparent in the Schweickart et al. system that a user could send a control signal or monitor the performance of an appliance directly between a handheld device 21 and the house 11 via the hub link 42. Hence, the chip set of the transceivers 30 must include the software to host the control and monitoring functions.

The present invention is quite distinct from Schweickart et al. for several reasons in that the present invention is simpler to implement and less expensive. In the present invention, no special expensive equipment, e.g. dedicate chip sets, are required. Further, the communications transpire over the cellular network.

The communications are not overlays outside the cellular communication network. This is evident, as each of independent claims 1 and 11 "require dialing a cellular telephone number." Schweickart et al. make no mention of dialing a cellular telephone number.

Furthermore, the present invention hosts the control and monitoring functions for the appliances at a web page on the Internet. By this arrangement, the internal communication means equipment within a person's house, need not include any special chipset with software to host the control/monitoring functions for the home appliances.

Moreover, independent claims 1 and 11 recite that the internal communication means / equipment are located "within" the home which includes the appliance network. Schweickart et al. show the transceiver 30 being on an outside wall of the home having the appliance network.

Myer et al. has been cited as a teaching reference for searching data required for the operation and control of home appliances on an internet, outputting the downloaded data to a corresponding home appliance and outputting an operation control signal of the home appliance. However, Myer et al. does not teach or suggest the above cited limitations of the independent claims, and therefore fails to cure the deficiencies of Schweickert et al.

Russ et al. has been cited as a teaching reference for detecting an error in a home appliance and outputting the detected result to the internal communication

equipment, and also reporting the error results to the external communication equipment. However, Russ et al. does not teach or suggest the above cited limitations of the independent claims, and therefore fails to cure the deficiencies of Schweickert et al. and/or Myer et al.

For at least the foregoing reasons, independent claims 1 and 11 and their dependent claims are patentable over the applied prior art. Reconsideration and withdrawal of the rejections based on these reasons are respectfully requested.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Lowe (Reg. No. 41,458) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

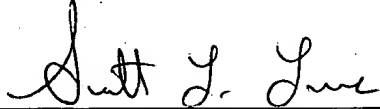
Attorney Docket No. 0465-0847P
Amendment filed on March 3, 2004
Office Action dated December 4, 2003

Appl. No. 09/929,101
Group Art. 2635
Page 11 of 11

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #41,458
James T. Eller, Jr., #39,538

JTE/SLL/ndb:lmh
0465-0847P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000